

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:03CR3100
)	
v.)	
)	
TIMOTHY S. DEGARMO,)	ORDER ON ISSUES IN PRETRIAL
)	HEARING
Defendant.)	
)	

At the hearing on May 9, 2005, the following issues and dispositions were made:

1. The defendant moved that witnesses be sequestered. The motion is granted without objection.
2. The defendant moved in limine that no mention of the defendant's imprisonment be made during voir dire examination, opening statements, or during the government's case-in-chief. There was no objection and the motion is granted.
3. The defendant's counsel said that it has been decided that the defendant will not testify. The defendant asks that an instruction be given that the defendant has a right not to testify. That motion is granted.
4. On the defendant's Motion to Strike, filing 88, ruling is reserved; the government is to present to opposing counsel and the presiding judge authorities by the opening of the trial as to whether evidence of at least 5 kilograms of a mixture or substance containing a detectable amount of methamphetamine, 9 mm ammunition by the defendant when he was a felon, possession of a dangerous weapon, including firearms, and his role in the conspiracy are factual matters that need to be determined by the jury, whether evidence of them is admissible, and whether they are properly pleaded in the second superseding indictment.

5. The defendant's Motion to Dismiss on Speedy Trial Grounds, accompanied by Defendant's Exhibit 100, is denied.

Dated May 9, 2005.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge